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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/529,105 | 11/14/2005 | Gavin Lee Broadley | FER 0226 PA/40271.396 | 1962 |
| 23368 7590 12/27/2007 DINSMORE & SHOHL LLP ONE DAYTON CENTRE, ONE SOUTH MAIN STREET SUITE 1300 DAYTON, OH 45402-2023 | | | EXAMINER CONLEY, FREDRICK C | |
| | | | ART UNIT 3673 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,105

Applicant(s)

BROADLEY ET AL.

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,921,295 to Stollenwerk.

Claim 1, Stollenwerk discloses a roll-in cot having a patient support attached to a wheeled transporter wherein the wheeled transporter comprises leading and trailing collapsible legs (24,26) having respective proximal ends pivotally connected to a frame and distal ends including wheels 32 wherein at least the leading collapsible legs are operable from a locked condition by a release assembly wherein the release assembly comprises a safety defined by an arresting means (col. 5 lines 43-57) and a leg release

wherein one of said safety and said leg release comprises a linkage defined by interconnected sliding members (48,52) and crossbar 49, wherein in an activated condition the linkage prevents the collapse of the collapsible legs, said linkage is connected to a touch bar defined by supporting rods 50 disposed in front of said collapsible legs whereby engagement of the touch bar against a platform deactivates the linkage and enables the collapsible legs to be collapsed upon release of the other of said safety and said leg release (col. 7 lines 1-22).

Claim 4, Stollenwerk discloses a method of loading a roll-in cot onto a platform said method comprising the steps of:

moving the roll-in cot against a platform; operating a touch bar defined by supporting rods 50 by urging the roll-in cot into the platform wherein movement of the touch bar relative to the frame disengages a linkage defined by interconnected sliding members (48,52) and a crossbar 49 and permits collapsible legs on the cot to collapse; and moving the roll-in cot onto the platform (col. 7 lines 1-22).

Allowable Subject Matter

Claims 2-3 and 5-6 are allowed.

Response to Arguments

Applicant's arguments filed 10/17/07 have been fully considered but they are not persuasive. With regards to the Applicant's claim recitation "wherein in an activated condition the linkage prevents the collapse of the collapsible legs, said linkage is connected to a touch bar disposed in front of said collapsible legs whereby engagement of the touch bar against a platform deactivates the linkage and enables the collapsible legs to be collapsed on release of the other of said safety and said leg release".

Stollenwerk explicitly states "the ambulance man can release the arresting means for the second sliding member 52 using a lever (not shown) at the rear end of frame 10. The carriage, not being supported anymore by front legs 24, is now supported on stretcher support rack 70 by entry rolls 68 and on the ground by

rear legs 26 which are further arrested at frame 10. In the unlocked/active condition of front legs 24, firm support of the carriage on stretcher support rack 70 is obtained because the distance between the entry rolls 68 and the front supporting rods 50 is comparatively large, which is guaranteed by the entry rolls 68 being arranged at the front end of frame 10 when starting to shift the carriage onto stretcher support rack 70. When the carriage is shifted farther into the transport car, the front supporting rods 50 abut against the rear edge of stretcher support rack 70 thus, supporting rods 50 are displaced with regard to frame 10, with the support rollers 54 rolling along the underside of longitudinal bars 12. Due to the displacement/deactivated of the front supporting rods 50, said rods 50 swivel/collapse the front legs 24 up to frame 10". Therefore, Stollenwork meets the Applicant's broad structural limitations and is capable of performing the Applicant's intended function wherein in an activated/unlocked condition the linkage defined by (48,52) prevents the collapse of the collapsible legs, said linkage is connected to a touch bar defined by front supporting rods 50 that are clearly disposed in front of said collapsible legs as illustrated in figures 1-2 whereby engagement of the touch bar against a platform deactivates the linkage as the supporting rods are displaced with regards to the frame 10 and enables the collapsible legs to be collapsed on release of the other of said safety and said leg release (Due to the displaced/deactivated front supporting rods 50, said rods 50 swivel/collapse the front legs 24 up to frame 10)". The Applicant relies on broad structural language that fails to clearly distinguish the

present invention over the prior art of record and does not preclude the Examiner from making the interpretation as stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia Engle/
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/FREDRICK CONLEY/